

**RESOLUTION NO. 2020-3868**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE  
CITY OF MIAMI SPRINGS, FLORIDA, EXPRESSING OPPOSITION  
TO A PROPOSED COUNTY ORDINANCE RELATING TO PERMIT  
FEES AND OTHER REQUIREMENTS FOR WORK ON COUNTY  
RIGHT-OF-WAY; PROVIDING FOR TRANSMITTAL; AND  
PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, on June 2, 2020, the County Board of County Commissioners (“BCC”) heard the first reading of an ordinance (Miami-Dade County Legislative Item File No. 200973) amending Sections 2-103.1 and 2-103.4 of the County Code that would prohibit municipalities from charging any fees, imposing requirements, or requiring permits for work on any county-owned or county-maintained rights-of-way or easements within municipalities; and

**WHEREAS**, if the Ordinance is adopted by the BCC, the County will be able to permit and authorize work on County roadways within the City that has not been properly coordinated with the City, giving rise to instances where County contractors will negatively impact City-maintained rights-of-way; and

**WHEREAS**, the proposed ordinance would add an unnecessary layer of government, creating confusion for City residents and the public who would be required to route concerns about access and construction impacts to their properties, maintenance of traffic, and other general contractor activities to the County as opposed to the City, as well as posing a challenge to public outreach, coordination and prompt response to such inquiries to City residents and businesses who would be tasked to navigate the County system when seeking relief; and

**WHEREAS**, the City Council finds that the proposed amendments to the County Code are invasive on the City’s Home Rule powers and impinge on the City’s ability to regulate construction work and carry out its municipal functions; and

**WHEREAS**, the City wishes to express opposition to the proposed Ordinance; and

**WHEREAS**, the City Council finds that this Resolution is in the best interest of the City’s residents.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL  
OF THE CITY OF MIAMI SPRINGS, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals.** The above recitals are confirmed, adopted, and incorporated herein and made a part hereof by reference.

**Section 2. Opposition.** The City Council hereby opposes the County proposed Ordinance (Miami-Dade County Legislative Item File No. 200973), which prohibits municipalities from charging fees, imposing requirements, or requiring permits for work on county-owned or county-maintained right-of-way or easements within municipalities.

**Section 3. Transmittal.** The City Clerk is hereby directed to transmit a copy of this Resolution to the County Mayor, the County BCC, and the Director of the County's Transportation and Public Works Department.

**Section 4. Effective Date.** This Resolution shall become effective immediately upon adoption.

The foregoing Resolution was offered by Councilman Best who moved its adoption. The motion was seconded by Councilwoman Mitchell and upon being put to a vote, the vote was as follows:

Vice Mayor George Lob	<u>YES</u>
Councilman Bob Best	<u>YES</u>
Councilwoman Maria Puente Mitchell	<u>YES</u>
Councilman Jaime Petralanda	<u>YES</u>
Mayor Billy Bain	<u>YES</u>

PASSED AND ADOPTED this 10<sup>th</sup> day of August, 2020.

  
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BILLY BAIN  
MAYOR

ATTEST:

  
\_\_\_\_\_  
ERIKA GONZALEZ-SANTAMARIA, MMC  
CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY  
FOR THE USE AND RELIANCE OF THE CITY OF MIAMI SPRINGS ONLY:

A handwritten signature in blue ink, appearing to read "Hayden", is written over a horizontal line.

WEISS SEROTA HELFMAN COLE & BIERMAN, P.L.  
CITY ATTORNEY